

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ARGENTUM PHARMACEUTICALS LLC,

Petitioner,

v.

CIPLA LIMITED,

Patent Owner.

Case No.: IPR2017-00807

Patent No.: 8,168,620 B2

**PATENT OWNER'S OBJECTIONS TO EVIDENCE
AS OF MARCH 13, 2018**

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner Cipla Limited (“Cipla”) timely objects under the Federal Rules of Evidence (FRE) to the admissibility of Exhibits 1055-1082, 1084-1085, 1087, 1089-1092, 1094-1125, 1127-1129, 1131-1139, ¶¶1-20, 26, 32, 38, 41, 50, 56-66, 75-85, 87-111, 113-114, 119-120, 123-124, 126, 130-131, 133, 137-139, 142, 146, 149, and 151-153 and Exhibits 1, 2a, 5, and 7 of Exhibit 1140; Exhibit 1141 at 44:13-45:8, 47:15-48:6, 62:17-64:7; Exhibit 1142 at 6:8-11:15, 196:22-198:14, 92:3-94:21, 109:7-115:4, 114:16-121:20; ¶¶1-6, 10, 43-44, 46-48, 53-54, 72-74, 78, 80, and 94-95 of Exhibit 1144; and ¶¶1-6, 22, 23, 53, 54, 59, 66, 72-73, 78, and 80-81 of Exhibit 1145/1165 1148-1150, 1152-1153, 1159-1165, and 1166-1168 (the “Challenged Evidence”), served by Petitioner Argentum Pharmaceuticals LLC (“Argentum”) on March 6, 2018, with its Reply to the Patent Owner Response. Cipla files these objections to provide notice to Argentum that Cipla may move to exclude the Challenged Evidence under 37 C.F.R. § 42.64(c), unless timely cured by Argentum.

I. IDENTIFICATION OF CHALLENGED EVIDENCE AND GROUNDS FOR OBJECTIONS

1. Exhibits 1055-1139, 1148-1150, 1152-1153, 1159-1165, and 1168; ¶¶1-20, 26, 32, 38, 41, 50, 56-66, 75-85, 87-111, 113-114, 119-120, 123-124, 126, 130-131, 133, 137-139, 142, 146, 149, and 151-153 and Exhibits 1, 2a, 5, and 7 of Exhibit 1140; ¶¶1-6, 10, 43-44, 46-48, 53-54, 72-74, 78, 80, and 94-95 of Exhibit 1144; and ¶¶1-6, 22, 23, 53, 54, 59, 66, 72-73, 78, and 80-81 of Exhibit 1145/1165.

Cipla objects to the use of Exhibits 1055-1139, 1148-1150, 1152-1153, 1159-1165, and 1168 under FRE 401 and 403. The aforementioned exhibits are not substantively relied on, or even cited, in Argentum's Reply. Consequently, these Exhibits do not appear to make any fact of consequence more or less probable than it would be without them.

Cipla also objects to paragraphs 1-20, 26, 32, 38, 41, 50, 56-66, 75-85, 87-111, 113, 114, 119, 120, 123, 124, 126, 130, 131, 133, 137-139, 142, 146, 149, and 151-153 and Exhibits 1, 2a, 5, and 7 of Exhibit 1140; paragraphs 1-6, 10, 43-44, 46-48, 53-54, 72-74, 78, 80, and 94-95 of Exhibit 1144, and paragraphs 1-6, 22, 23, 53, 54, 59, 66, 72-73, 78, and 80-81 of Exhibit 1145/1165 because those paragraphs are not substantively relied on, or even cited, in Argentum's Reply, or they rely on the exhibits listed above, and are therefore not relevant under FRE 401 and 403. Alternatively, if Argentum asserts that the aforementioned paragraphs are relevant, then Argentum must incorporate them by reference into its Reply. Doing

so, however, makes Argentum's Reply over length, violating the word count limit set forth in 37 C.F.R. § 42.24(c).

2. Exhibits 1055, 1057, 1059, 1060, 1061, 1066, 1067, 1068, 1076, 1079, 1085, 1094, 1099, 1102, 1103, 1104, 1105, 1106, 1107, 1117, 1118, 1121, 1124, 1128, 1131, 1132, 1136, and 1146.

Cipla objects to Exhibits 1055, 1057, 1059, 1060, 1061, 1066, 1067, 1068, 1076, 1079, 1085, 1094, 1099, 1102, 1103, 1104, 1105, 1106, 1107, 1117, 1118, 1121, 1124, 1128, 1131, 1132, 1136, and 1146 under FRE 401 and 403. The aforementioned exhibits do not appear to make any fact of consequence more or less probable than it would be without them.

In addition, Argentum has submitted no evidence to authenticate the aforementioned exhibits, making them inadmissible under FRE 901.

Argentum also relies upon the contents of the aforementioned exhibits for the truth of the matters asserted therein. Therefore, the aforementioned exhibits are inadmissible hearsay under FRE 801 and 802. No exception applies.

Cipla also objects to Exhibits 1094 and 1146 under FRE 106. Exhibits 1094 and 1146 appear to be an excerpts of larger documents, and thus, are incomplete.

3. Exhibits 1056, 1058, 1062, 1063, 1064, 1065, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1077, 1078, 1080, 1081, 1082, 1084, 1087, 1089, 1090, 1091, 1092, 1095, 1096, 1097, 1098, 1100, 1101, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1119, 1120, 1122, 1123, 1125, 1127, 1129, 1133, 1134, 1135, 1137, 1138, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1159, 1160, 1161, 1162, 1164, 1166, 1167, and 1168.

Cipla objects to Exhibits 1056, 1058, 1062, 1063, 1064, 1065, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1077, 1078, 1080, 1081, 1082, 1084, 1087, 1089, 1090, 1091, 1092, 1095, 1096, 1097, 1098, 1100, 1101, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1119, 1120, 1122, 1123, 1125, 1127, 1129, 1133, 1134, 1135, 1137, 1138, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1159, 1160, 1161, 1162, 1164, 1166, 1167, and 1168 under FRE 401 and 403. The aforementioned exhibits do not appear to make any fact of consequence more or less probable than it would be without them. In addition, Cipla also objects to Exhibits 1166 and 1167 as being more prejudicial than probative because those Exhibits are not prior art, making it not relevant to this proceeding.

Argentum also relies upon the contents of the aforementioned exhibits for the truth of the matters asserted therein. Therefore, the aforementioned exhibits are inadmissible hearsay under FRE 801 and 802. No exception applies.

Cipla objects to Exhibits 1092, and 1149 under FRE 106. Exhibits 1024, 1033, 1092, and 1149 appear to be an excerpts of a larger document or book, and thus, are incomplete.

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